IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

CAPITOL RECORDS, INC., *et al.*,

Plaintiffs,

vs.

JAMMIE THOMAS,

Defendant.

Case No.: 06cv1497-MJD/RLE

PLAINTIFFS' RESPONSE TO DEFENDANT'S MOTION IN LIMINE RE REFERENCES TO FIRST TRIAL

Plaintiffs submit this response to Defendant's "Unopposed" Motion in Limine Re References to the First Trial ("Motion," Doc. No. 276). Although Defendant represented the Motion as unopposed, this was the result of a miscommunication among counsel. Plaintiffs agree that the outcome of the first trial has no bearing on the issues to be decided in the upcoming trial but do not believe that Defendant's proposed motion adequately addresses the issue. Plaintiffs ask that this matter be addressed at the pretrial conference set for June 10, 2009.

WHEREFORE, Plaintiffs ask that the Court deny Defendant's Motion and that issues relating to any discussion of the first trial be considered and ruled on at the pretrial conference set for June 10, 2009.

Respectfully submitted this 4th day of June 2009.

/s/ Timothy M. Reynolds

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